IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

C.W.P. No. 12200 OF 2005

Date of Decision: 04.12.2006

Kirpal Singh ... Petitioner

Versus

State of Punjab and others. ... Respondents.

CORAM : HON'BLE MR. JUSTICE J.S. KHEHAR,
HON'BLE MR. JUSTICE S.D. ANAND.

Present : Mr. Harnek Singh, Advocate,
for the petitioner.

Mr. B.S. Chahal, Assistant Advocate General, Punjab,
for the respondents.

J.S. Khehar, J. (Oral)

The petitioner was imposed the punishment of stoppage of one increment with permanent effect by an order dated 27.5.1983 (Annexure P/3). Yet again by an another order dated 06.09.1985, two increments of the petitioner were stopped with cumulative effect. The aforesaid orders are subject matter of the challenge at the hands of the petitioner through the instant writ petition filed in the year 2005, i.e., almost two decades after the passing of the impugned orders.

The contention of the learned counsel for the petitioner is that the impugned orders are void, and as such, are not sustainable in law. On the basis of various judgments rendered by this Court, it is submitted that a void order can be challenged at any time. As against the aforesaid contention, learned counsel for the respondents, has relied upon a decision rendered by the Apex Court in State of Punjab and others versus Gurdev Singh, 1991(5), Service Law Reporters, 1, wherein it has been held by the

Apex Court that even a void order has to be challenged within the prescribed period of limitation.

Since admittedly, the instant writ petition has been filed, well beyond the period of limitation, we are satisfied that the instant writ petition suffers from delay and laches and has to be dismissed for the aforesaid reasons itself.

Dismissed for delay and laches.

(J.S. Khehar)
Judge

December 04, 2006
vkd

(S.D. Anand)
Judge